

Remarks

Reconsideration and reexamination of the above-identified patent application, as amended, are respectfully requested. Claims 1-5, 8-9, 11-17, and 21-23 are pending in this application upon entry of this Amendment. In this Amendment, the Applicant has amended claims 1-2, 4-5, 8-9, 11-12, 14-17, and 21-23; and cancelled claims 6-7 and 18-19. No claims have been added in this Amendment. Of the pending claims, claims 1, 11, and 21 are the only independent claims.

Claim Rejections - 35 U.S.C. § 103

In the Office Action mailed January 26, 2005, the Examiner rejected claims 1-9, 11-19, and 21-23 under 35 U.S.C. § 103(a) as being unpatentable over www.biddersedge.com (“Bidder’s Edge”) in view of www.monstor.com (“Monster.com”). The Applicant believes that the claimed invention is patentable under 35 U.S.C. § 103(a) over Bidder’s Edge and Monster.com and has amended independent claims 1, 11, and 21 to more clearly define thereover.

1. Background of the Claimed Invention

The Background Art section of the Applicant’s specification describes typical Internet based auctions. In such auctions sellers place their merchandise for sale and buyers bid for the items to be auctioned. On the closing date, the auctioneer determines the winning buyer with the highest bid and informs the winning buyer of same. The auctioneer may then act as a clearinghouse thereafter to transfer the merchandise to the winning buyer in exchange for the bid. Buyers generally have an idea or a list of items that they would be interested in purchasing through an auction.

As described in the Background Art section of the Applicant’s specification, there are generally two disadvantages associated with typical Internet based auctions:

1. Buyers do not know when and which Internet auctions sites have the desired merchandise available for auction. As such, the buyers have to periodically watch the different Internet auction sites, almost on a daily basis, for the desired merchandise to determine when the desired merchandise becomes available for auctioning; and
2. Sellers do not, at least initially, know exactly the kind of demand for merchandise that they would like to sell. As such, typical Internet based auctions are supply driven and have no regard to the demand side of the equation. Sellers would place more merchandise for sale if they knew that demand for the merchandise indicated that the sellers are likely to obtain a higher value by selling the merchandise through an auction than the value of holding onto the merchandise.

Accordingly, what is needed is a method and system for Internet based auctions in which the basic principles of supply and demand are followed more accurately than existing Internet based auctions.

2. The Claimed Invention

The claimed invention satisfies the above-described need. As recited in amended independent claims 1 and 11, the claimed invention is directed to a method and an associated system for auctioning products on a computer network.

As set forth in representative amended independent claim 1, the method includes placing a first sale product identifier indicative of a first product for sale by a first seller on a first auction site which is hosted on the computer network by a first auction site host for a first auctioneer. A second sale product identifier indicative of a second product for sale by a second seller is placed on a second auction site which is hosted on the computer network by a second auction site host for a second auctioneer. A desired product identifier indicative of a product

desired by a buyer is placed on a scan site which is hosted on the computer network by a scan site host for a third auctioneer. The scan site monitors the auction sites using electronic data interchange (EDI) messaging in order to compare the desired product identifier on the scan site with the sale product identifiers on the auction sites. From the comparison between the desired product identifier and the sale product identifiers it is determined whether the product desired by the buyer is for sale on any of the auction sites by any of the sellers. The auction sites monitors the scan site using (EDI) messaging to identify the desired product identifier placed on the scan site in order to enable the sellers to determine the product desired by the buyer.

Amended independent claim 21 recites an associated method but recites “merchandise” instead of “products” and recites “buyers” instead of “buyer”.

3. Bidder's Edge and Monster.com

The Examiner posited that Bidder's Edge teaches an auction search engine comprising a method for monitoring a plurality of auction sites through EDI messaging. The Examiner indicated that Bidder's Edge does not teach a method of scanning a database of desired products from an auction site in order to determine a product desired by buyers.

The Examiner posited that Monster.com teaches a job search system where companies (sellers) input jobs (products) that they have available; job seekers (buyers) enter their resumes to Resume City (scan site); and if a job that meets the requirements of a job seeker, then the job seeker is notified. The Examiner further posited that Monster.com teaches a company (seller) has access to ‘Cruiter (auction site); ‘Cruiter allows the company to 1) post available jobs (products) and 2) create profile of the ideal candidate; and ‘Cruiter (auction site) uses the profile of the ideal candidate to search a list of resumes in Resume City (scan site).

The Examiner then posited that it would have been obvious for a seller (company) to search the desired product database (Resume City) of Bidder's Edge in the

manner taught by the 'Cruiter feature of Monster.com in order for sellers (company) to find buyers (job seekers) for their products (jobs).

4. The Claimed Invention vs. Bidder's Edge and Monster.com

The claimed invention generally differs from any combination of Bidder's Edge and Monster.com in that in the claimed invention a scan site (which is hosted on a computer network by a scan site host for an auctioneer and which lists products desired by a buyer) monitors a plurality of auction sites (which are hosted on the computer network by respective auction site hosts for other respective auctioneers and which list products for sale by respective sellers) to enable the sellers to determine products desired by the buyer. In contrast, Monster.com teaches 'Cruiter (auction site) monitoring a list of resumes in Resume City (scan site) in which the auction site and the scan site are hosted on the computer network (Internet) by a host for the same auctioneer (www.monster.com). As such, the combination of Bidder's Edge and Monster.com does not teach or suggest monitoring a scan site of one auctioneer with auction sites of other different auctioneers in order to enable sellers (who are associated with the auction sites of the other auctioneers) to determine products desired by a buyer (who is associated with the scan site of the one auctioneer).

Thus, the Applicant believes that amended independent claims 1, 11, and 21 are patentable under 35 U.S.C. § 103(a) over Bidder's Edge and Monster.com. Claims 2-5, 8-9, 12-17, and 22-23 depend from one of amended independent claims 1, 11, and 21 and include the limitations of the independent claim from which they depend. Accordingly, the Applicant respectfully requests reconsideration and withdrawal of the rejection to the claims under 35 U.S.C. § 103(a).

CONCLUSION

In summary, claims 1-5, 8-9, 11-17, and 21-23, as amended, meet the substantive requirements for patentability. The case is in appropriate condition for allowance. Accordingly, such action is respectfully requested.

If a telephone or video conference would expedite allowance or resolve any further questions, such a conference is invited at the convenience of the Examiner.

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Date: March 4, 2005

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